IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R..No.2025 of 2006

DATE OF ORDER: 9.1.2007

Sudesh Rani

...Petitioner(s)

Versus

Anil Kumar and others

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Sandeep Jasuja, Advocate.

Mr. D.R. Bansal, Advocate.

Mr. N.S. Sodhi, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 22.2.2006 passed by MACT, Ferozepur whereby request of the petitioner-claimant for amendment in the petition was declined.

In the original petition filed under Section 140 and 166 of the Motor Vehicles Act for compensation on account of death of Aman Kumar, claimant-petitioner had pleaded that Anil Kumar was the driver whereas Sarabjit Singh was owner of the offending vehicle bearing PB-02AA-5544. Then an application was made for amendment of the petition to the effect

that in fact Sarabjit Singh was the driver and Anil Kumar was the owner.

That application for amendment was opposed on behalf of the respondents on the plea that they had already disclosed this fact in written statement and that application for amendment was made after some of the witnesses had been examined and the claim petition remained pending for quite long time.

Copy of the FIR has been produced showing that it was Sarabjit Singh, who was driving the offending vehicle. When this was the position, then amendment in the petition was necessary and it should have been allowed.

If delay in the disposal of the case had been caused due to the default of the claimant or due to the amendment sought in the original petition, then respondents otherwise could be compensated by burdening costs or not burdening them with interest for some period for which claimant had been at fault.

Under these circumstances, this petition is allowed. Let MACT, Ferozepur take amended petition on the file. For default of the claimant. Claimant will not be entitled to interest for a period of two years of the pendency of the petition.

January 09, 2006 (M.M. AGGARWAL)
manoj JUDGE